

Town Board Minutes

**Meeting
No. 32**

Special Meeting

September 15, 2003

Town Board Minutes

September 15, 2003

Meeting No. 32

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 15th day of September 2003, at 6:30 PM and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: RICHARD ZARBO, COUNCIL MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

**IN THE MATTER OF THE SEQR REVIEW OF THE
RONALD GRIMM REZONE
(KOHL'S DEPARTMENT STORE)**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Ronald Grimm (Kohl's Department Store) rezone matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 13.032 acres.
The location of the premises being reviewed is situated at 4827 & 4839 Transit Road, County of Erie, Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.

5. The proposed action may have a small to moderate impact on surface or ground water quality or quantity.

It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.

6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate impact on threatened or endangered species. It is noted that herbicides or pesticides may be applied for purposes of lawn care.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action may cause a potentially large impact on existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.

19. The proposed action may have a small to moderate impact on the character of the existing community.
- It is noted that there will be a change in the density of land use and a potential increase in demand for police and fire services. There may be a small increase in employment.
20. There may be public controversy related to potential traffic concerns.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD CHAIRMAN KEYSA
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

BE IT

RESOLVED, that the Municipal Review Committee table the determination pending receipt of a formal traffic study for purpose of scoping; this being in accordance with the requirements of NYS Department of Transportation.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

September 15, 2003

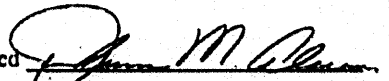
ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED BY
PLANNING BOARD MEMBER SZYMANSKI FOR ADJOURNMENT OF THE MEETING,
on voice vote, which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:08 P.M.

Signed


Johanna M. Coleman, Town Clerk

Town Board Minutes

Meeting No. 33

Regular Meeting

September 15, 2003

Town Board Minutes

September 15, 2003

Meeting No. 33

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 15th day of September at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: RICHARD ZARBO, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD:

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matter:

- Requests new speaker system for Town Board meeting room.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Supports Town Board's opposition to dumping of foreign steel
- Concerns about Prism providing Employee Assistance Program.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- In favor of resolution regarding the Town Board's opposition to dumping of foreign steel.
- Concerns about resolution #4 and there being no mention of a salt storage shed in the state aid request.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendments to the Vehicle & Traffic Ordinance of the Town of Lancaster for stop signs within Windsor Ridge Subdivision.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Adam Klembczyk	41 Chestnut Corners	Questions

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND
SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE
PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:32 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

September 15, 2003

PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:

At 9:40 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Ronald Grimm for a rezone from an R-1 Residential District One to a GB General Business on premises at 4827 & 4839 Transit Road.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Mary Beth Martin	58 Jessica Lane	Opponent
Ronald Grimm, Developer	4624 Goodrich Rd, Clarence	Proponent
Michael Fitzpatrick	Meadowood Apartments	Opponent
John Mazurowski	11 Stephens Ct	Comments
Richard Korcz	1946 William Street	Questions
Dan Beutler	26 Tyler Street	Comments
John Nichy	38 Jessica Lane	Opponent

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND
SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE
PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:03 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

September 15, 2003

PUBLIC HEARING SCHEDULED FOR 8:50 P.M.:

At 9:03 P.M., the Town Board held a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss projects which would benefit low and moderate income persons in the Town of Lancaster.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Don Symer	610 Columbia Avenue	Recommends sewer lateral replacement for low income people in Sewer District # 2.
Dan Beutler	26 Tyler Street	Proposes food pantry for Main Street, Depew area residents.
John Mazurowski	11 Stephens Court	Recommends sidewalks in Village.

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:21 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

September 15, 2003

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Planning Board and the Town Board held September 2, 2003 and the Regular Meeting of the Town Board held September 2, 2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, a Public Hearing was held on the 15th day of September, 2003 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on September 15, 2003;
2. That a Certified Copy thereof be published in the Lancaster Bee on September 18, 2003;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
3. That Affidavits of Publication and Posting be filed with the Town Clerk;
4. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 15, 2003

File: rvtordchpt46windssordidgechestnutcorner903a

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION
STOPS; YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding
thereto the following:**

WINDSOR RIDGE SUBDIVISION

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
Chestnut Corner	Windsor Ridge Drive	S.E. Corner
Chestnut Corner	Windsor Ridge Drive	N.W. Corner
Windsor Ridge Drive	Chestnut Corner	S.W. Corner

September 15, 2003

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that I, JOHANNA M. COLEMAN, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 15th day of September, 2003, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 15th day of September, 2003.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Summerfield Farms Subdivision, Phase III, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 574, 575 and 576 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, for the installation of:

P.I.P. No 574
(Water Line)

Construction of Summerfield Farms, Phase III on Avian Way and Ashwood Court 1,990± L.F. of 10" PVC (C-900) waterline, 330± L.F. of 10" D.I.P. (Class 52) waterline, 810± L.F. 8" PVC (C-900) waterline, (5) hydrant assemblies, (5) 10" line valve assemblies, (1) 8" line valve assemblies, (2) 2" blow-offs, (1) 10" flanged tapping saddle & valve for 20" P.C.C.P. waterline.

P.I.P. No. 575
(Pavement & Curb)

Construction of Summerfield Farms, Phase III on Avian Way and Ashwood Court 100,600 S.F. of pavement (28' wide) with 8" subbase, 4" NYSDOT Type 1 Base, 2" NYSDOT Type 3 Binder, 1" NYSDOT Type 7 Top, 6,860 L.F. of 6" HDPE (perforated) underdrain, 6,860 L.F. of 20" type "BB" concrete curbing, 610 S.F. of 4' wide concrete walk (Ashwood Court).

P.I.P. No. 576
(Storm Sewer)

Construction of Summerfield Farms, Phase III on Avian Way and Ashwood Court, 400 L.F./corr. Beam Guide Railing NTSDOT #606.16M, 90 L.F. 12' x 5' conc. box culvert w/sloped end sec., 1,150 L.F. of 24" H.D.P.E., 228 L.F. of 18" H.D.P.E., 753 L.F. of 15" H.D.P.E., 2,238 L.F. of 12" H.D.P.E., 766 L.F. of 10" H.D.P.E., 1,519 L.F. of 8" H.D.P.E., 329 L.F. 6" PVC, 1,176 L.F. - prop. swale, 11 ea. 48" dia. manholes, 21 ea. road receivers, 21 ea. light duty rec., & 17 ea. backyard rec.

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 15, 2003

File RPIP (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT

RESOLVED, by the Lancaster Town Board

1. That Robert H. Giza, Supervisor, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of the Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the Application of State Assistance Payments;
4. That this Resolution take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Clerk has requested an increase in the petty cash fund maintained in the Office of the Town Clerk from \$150 to \$300, and

WHEREAS, the Town Clerk's Office will operate with greater efficiency with such increase.

NOW, THEREFORE, BE IT

RESOLVED, that Town Board of the Town of Lancaster hereby authorizes an increase in the petty cash fund in the Town Clerk's Office from \$150 to \$300.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated
September 9, 2003, has requested the addition of the following individuals to the membership
roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms
the addition to the membership of the Town Line Volunteer Fire Department the following
individuals:

ADDITIONS:

Christopher DeVries
3 Grace Way
Lancaster, New York

Richard Hoffman
988 Clearvue Drive
Alden, New York

Rachel Jankowski
169 Darwin Drive
Depew, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 15, 2003

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, in the event of a disaster, many communities do not have enough sufficiently trained Code Enforcement Officials to inspect buildings affected by such disaster, and

WHEREAS, Codes Division, in partnership with the New York State Building Official Conference, has a program to render volunteer assistance to disaster stricken communities known as CEDAR (Code Enforcement Disaster Assistance Response), and

WHEREAS, the Town of Lancaster supports the CEDAR program and supports the participation in the program by code enforcement officials employed by the Town who meet the qualifications of CEDAR;

NOW, THEREFORE, BE IT

RESOLVED, that Code Enforcement Officer Jeffrey H. Simme, Assistant Code Enforcement Officer George R. Pease and Assistant Code Officer Leonard R. Campisano are authorized to submit applications for membership to the Code Enforcement Disaster Assistance Response program and to complete the necessary training, and

BE IT FURTHER

RESOLVED, that the Town of Lancaster agrees to provide indemnification and insurance coverage for said Code Enforcement personnel while acting as part of the CEDAR Team for mutual aid purposes.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

September 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

Resolution Authorizing the Filing of an Application for a State Grant-In-Aid for a Municipal Waste Reduction and/or Recycling Project and Signing of the associated State Contract, Under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the Town of Lancaster herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Lancaster:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the Town Supervisor is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That this resolution shall take effect immediately.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 15, 2003

file: r waste recycling grant

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town of Lancaster is obligated under the current collective bargaining agreement with the CSEA Highway Unit to provide for an Employee Assistance Program (EAP), and

WHEREAS, Prism Quality EAP has provided a proposal to implement such a plan which can be extended to all full-time Town employees effective October 1, 2003, and

WHEREAS, the Town Board has reviewed the proposal submitted and deems it in the public interest to enter into an agreement with Prism Quality EAP in order to meet contract obligations for CSEA Highway Unit and further deems it in the public interest to extend this EAP program to all full-time employees in accordance with the terms outlined in the proposal with a cost of \$18.96 per employee for the first year, \$19.68 per employee for the second year and \$20.04 per employee for the third year based on an employee count of 140.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement effective October 1, 2003 with Prism Quality EAP to provide for an employee assistance program as outlined in the proposal submitted to the Town of Lancaster at a cost of \$18.96 per employee for the first year, \$19.68 per employee for the second year and \$20.04 per employee for the third year based on an employee count of 140.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 15, 2003

File: remployeeassistanceprogram903

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Lancaster Airport, Inc. has received a grant from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following project at Buffalo-Lancaster Airport:

"Acquire land in fee simple title and associated building for use as a snow removal equipment storage building"

WHEREAS, the New York State Department of Transportation is offering a matching grant to the Federal grant for 50% of the non-Federal share of eligible costs, and

WHEREAS, the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster endorses the above described project for the purpose of making the project eligible for State funding, and

BE IT FURTHER

RESOLVED that the adoption of this resolution shall be solely for the purposes stated herein and in no way binds the Town Board, the Planning Board and/or the Zoning Board of Appeals of the Town of Lancaster to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Buffalo-Lancaster Airport, and

BE IT FURTHER

RESOLVED, it has heretofore been determined by the Town Board, under Part 617 of the State Environmental Quality Review Act (SEQR), of the State of New York, that the aforesaid project to acquire land in fee simple title and associated building for use as a snow removal equipment storage building, including basic data collection, research and engineering studies, constitutes a Type II Action which will not have a significant impact upon the environment. The Supervisor of the Town of Lancaster is hereby authorized to sign and date form DV-21-RI Agency Compliance Statement, as attached herewith; and

BE IT FURTHER

RESOLVED, that this resolution shall take effect immediately.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

September 15, 2003

File: lancasterportgran903

Agency Compliance Statement
State Environmental Quality Review

In accordance with the rules, regulation and procedures adopted by the Town of Lancaster (or NYCRR Part 617 where the Municipal Corporation has not adopted such rules, regulations and procedures) pursuant to the intent of the State Environmental Quality Review Act, the project described below is classified as a:

CHECK ONE

- ☐ Type I Action - with possible significant effect (NEPA or SEQR DEIS, FEIS and SEQR Record of Decision have been prepared).
- ☐ Type I Action - with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed).
- ☐ Unlisted Action - with possible significant effect (NEPA or SEQR DEIS, FEIS and SEQR Record of Decision have been prepared).
- ☐ Unlisted Action - with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed).
- ☒ Type II Action
- ☐ Ministerial Act
- ☐ Exempt Act

PROJECT DESCRIPTION

Acquire land in fee simple title and associated building for use as a snow removal equipment storage building.

Robert H. Sja
Signature

September 15, 2003
Date

Supervisor
Title

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 4271 to Claim No. 4520 Inclusive

Total amount hereby authorized to be paid: \$351,421.87

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 15, 2003

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

11095	Buszku, Marianne	145 William Kidder Rd	Er. Shed	
11096	Jakson, Gerald	1 Hillside Pky	Er. Fence	
11097 SW	Marrano/Marc Equity	471 Schwartz Rd	Er. Dwlg.-Sin.	
11098	Kacalski, Christopher	5537 Broadway	Er. Comm. Alt.	(V/L)
11099	Haen, Michael	31N Aurora St	Er. Shed	(V/L)
11100	Excel Fence Inc	47 Village View	Er. Fence	
11101	Duro-Shed Inc	122 Pheasant Run Ln	Er. Shed	
11102	Blenk, Clarence	48 Stony Brook Dr	Er. Deck	
11103	Scott, Phillip	54 Second Ave	Er. Fence	(V/L)
11104	Majestic Pools Inc	56 Freeman Dr	Er. Pool-In Grnd	
11105	Majestic Pools Inc	56 Freeman Dr	Er. Fence	
11106	Iroquois Fence Co	40 Michael's Walk	Er. Fence	
11107	Sierk, Steven	14 Candlestick Ct	Er. Res. Add.	
11108	Decks Etc Inc	50 Village View	Er. Deck	
11109 SW	Bella Vista Dev.	6515 Transit Rd	Er. Comm. Alt.	
11110 SW	Bella Vista Dev.	6515 Transit Rd	Er. Comm. Alt.	
11111	Colley's Pool Sales Inc	8 Buckingham Ct	Er. Fence	
11112	Colley's Pool Sales Inc	8 Buckingham Ct	Er. Pool-In Grnd	
11113	Essex Homes of WNY	19 Fox Trace	Er. Dwlg.-Sin.	
11114	Essex Homes of WNY	3 Fox Trace	Er. Dwlg.-Sin.	
11115	Shamrock, John	5374 William St	Er. Pool-Abv Grnd	
11116	Munzel, John	36 Spohn Dr	Er. Garage	
11117	Duro-Shed Inc	284 Enchanted Forest N	Er. Shed	
11118	Town of Lancaster IDA	2655 Wehrle Dr	Er. Sign-Temp	
11119	Burr, Dorothy	74 Benson Dr	Er. Fence	(V/L)
11120	Duro-Shed Inc	12 Bentley Cir	Er. Shed	
11121	Classic Fence	37 Summerfield Dr	Er. Fence	
11122	Szymusiak, Mark	5671 Broadway	Er. Res. Alt.	
11123	Swimco Mfg	4 Primrose Ln	Er. Pool-In Grnd	
11124	Swimco Mfg.	4 Primrose Ln	Er. Fence	
11125	Duro-Shed Inc	12 Fox Trace	Er. Shed	

11126	Lovejoy Builders Inc	18 Ann Marie Dr	Er. Dwlg.-Sin.	
11127	Custom Patio Rooms	76 Sturm St	Er. Res. Add.	(V/L)
11128	Chameleon Pool	26 Fox Trace	Er. Pool-In Grnd	
11129	Wittenberg, Michael	19 Woodgate Dr	Er. Shed	
11130	DMU Fence	26 Fox Trace	Er. Fence	
11131	Dalton, Timothy	104 Harvey Dr	Er. Res. Alt.	(V/L)
11132	Colby, James	9 Broadmoor Ct	Er. Fence	
11133	Doktor, James	5604 Broadway	Er. Deck	(V/L)
11134	Mead, Roger	1091 Ransom Rd	Er. Shed	
11135	Loecher, Martin	82 Stony Rd	Er. Shed	
11136	Alliance Construction	110 Michael's Walk	Er. Dwlg.-Sin.	
11137	Duro-Shed Inc	2 Schiffler Ct	Er. Shed	
11138	Banaczak, Paul	491 Central Ave	Er. Fence	
11139	Patio Enclosures	3 Windsor Ridge Dr	Er. Res. Add.	
11140	Forbes Homes Inc	17 Chestnut Corner	Er. Dwlg.-Sin.	
11141	Musialowski, Marc	20 Apple Blossom Blvd	Er. Shed	
11142 SW	Town of Lancaster	0 Peppermint Rd	Er. Pole Barn	
11143	Forestream Village Inc	4721 Transit Rd	Er. Comm. Alt.	
11144	Kuhn, Leonard	220 Lake Ave	Er. Shed	
11145	Colley's Pool Sales, Inc	16 Village View	Er. Pool-In Grnd	
11146	Cefali, Roman	3 Field Ave	Er. Res. Add.	(V/L)
11147	Stirling, Nancy	370 Lake Ave	Er. Shed	
11148	Duro Shed	5 Devonshire Ln	Er. Shed	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 15, 2003

File: Rbldg2

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Stempniak, on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the proud tradition of steelmaking is a vital part of our community's history and identity, and our local economy is still largely linked to the steel industry as a provider of quality jobs, and

WHEREAS, a thorough Section 201 investigation by the International Trade Commission (ITC) concluded that American steel companies, communities, families and other, non-steel manufacturing operations were injured as a result of illegally-dumped foreign steel, and the ITC recommended immediate action by the U.S. Department of Commerce to curb the illegal dumping of foreign steel in U.S. markets, and

WHEREAS, after receiving the ITC's report and carefully considering a number of remedies, the Department of Commerce and the Bush Administration took legal and just corrective action and instituted limited tariffs on specific steel products for a period of three years, and

WHEREAS, enactment of the tariffs has slowed the illegal dumping of foreign steel and allowed American steelmakers and their employees to partially recover from the crisis sparked in 1998 by illegally dumped foreign steel. If the Steel Industry is to survive, the recovery must be able to continue, and

WHEREAS, the American steel industry is currently in a state of wide-scale restructuring and consolidation that will eventually enable the remaining American steel companies to compete effectively in an increasingly global marketplace.

NOW, THEREFORE, BE IT

RESOLVED, that this community supports continuation of these protective tariffs through their original three-year term and opposes any efforts to end them prematurely, considering the devastating effects it would have in our community and countless others that still rely on steel manufacturing and its related industries for quality jobs.

AND BE IT FURTHER

RESOLVED, that this body urges the Bush Administration to allow these tariffs to run their course, and that a copy of this resolution be sent to President Bush as evidence that our community supports steel.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STERNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

September 15, 2003

File: rdumpingofforeignsteel903

COMMUNICATIONS & REPORTS:

502. Uniland Development Company to Town Board -
Transmittal of clarifications to site plan of Eastport Commerce Center, Buildings A & H and Carquest Distribution Center. DISPOSITION = Planning Committee
503. Erie County Department of Environment & Planning to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed rezone of 4827 and 4839 Transit Road (Kohl's Department Store); comments noted. DISPOSITION = Planning Committee
504. NYS DOT to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed rezone of 4827 and 4839 Transit Road (Kohl's Department Store); comments noted. DISPOSITION = Planning Committee
505. NYS DEC to Town Attorney -
Comments regarding proposed CarQuest Distribution Center and Eastport Commerce Center. DISPOSITION = Planning Committee
506. Erie County Department of Environment & Planning to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed Lancaster Heritage Trail; comments noted. DISPOSITION = Planning Committee
507. NYS DOT to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed Lancaster Heritage Trail; comments noted. DISPOSITION = Planning Committee
508. Lancaster Country Club to Town Clerk -
Advisement of application by Lancaster Country Club for renewal of liquor license. DISPOSITION = Town Attorney
509. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed Lancaster Heritage Trail; comments noted. DISPOSITION = Planning Committee
510. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, and Stempniak -
Notice of non-submittal of landscape plan by Jiffy-Tite Co., Inc. DISPOSITION = Received and Filed
511. Planning Board to Town Board -
Recommend approval of site plan for Jiffy Tite Co., Inc., 4437 Walden Avenue. DISPOSITION = Municipal Review Committee
512. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held September 3, 2003. DISPOSITION = Received and Filed
513. Town Attorney to Municipal Review Committee -
Notification of meeting to be held September 15, 2003 for the purpose of a SEQR Review on CarQuest, Lancaster Heritage Trail, and Kohl's rezone. DISPOSITION = Received and Filed
514. Town Clerk to Various News Media -
Notice to media of meeting of Municipal Review Committee, September 15, 2003 at 6:30 PM to review site plans of CarQuest, Lancaster Heritage Trail, and rezone application of Ronald Grimm (Kohl's) DISPOSITION = Received and Filed
515. Town Clerk to Town Board -
Transmittal of monthly report for August 2003. DISPOSITION = Received and Filed
516. Town Attorney to Lancaster Central School District -
Transmittal of agreement for paving of driveway and parking lot at Lancaster High School. DISPOSITION = Received and Filed

517. NYS DOT to Town Attorney -
Comments regarding site plans for CarQuest Distribution Center and Eastport
Commerce Center Buildings A & H. DISPOSITION = Planning Committee
518. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town
Engineer -
Transmittal of various responses regarding CarQuest. DISPOSITION = Planning
Committee
519. Hillview Baptist Church to Supervisor -
Expressed gratitude to Town Board for resolution against Casino location in their
neighborhood. DISPOSITION = Received and Filed
520. Melanie & Kevin Boniszewski to Supervisor -
Expressed opposition to proposed location of the Casino in Cheektowaga.
DISPOSITION = Received and Filed
521. Town Line Volunteer Fire Department to Town Clerk -
Request resolution for addition to membership roster. DISPOSITION = Resolution
9/15/03

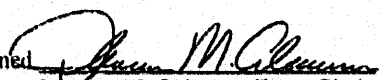
ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPIAK, AND SECONDED BY
COUNCIL MEMBER RUFFINO FOR ADJOURNMENT OF THE MEETING, on roll, which
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

The meeting was adjourned at 9:23 P.M.

Signed


Johanna M. Coleman, Town Clerk